



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Pietro Padovani

Patent Appl: 08/809,340

Filed: May 6, 1997

For: "THERMOFORMING APPARATUS..."

) Examiner: J. Mackey Art Unit 3728

) Our Ref: B-3289PCT
) 615920-5/RPB

) Date: July 13, 2001

) Re: *Response to Restriction Requirement*

PATENT

07-2601

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TECHNICAL UNIT 3700

RESPONSE TO RESTRICTION REQUIREMENT

Commissioner for Patents
Washington, D. C. 20231

Sir:

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In the Office Action mailed on June 18, 2001, the Examiner required restriction of the application to one of several patentably distinct species of the claimed invention as depicted in the drawings of the application. The Applicant concurs with the Examiner that the species identified by the Examiner are patentably distinct. Therefore, the Applicant elects a single disclosed species for prosecution on the merits.

The Applicant elects the claims of the application directed to Species B, identified by the Examiner as species for article retention means of conical collar adjacent the receiving hole. The Examiner asserts that Species B is depicted in Figures 19 - 22. The claims directed to Species B are Claims 6 - 14, 43 and 45. By way of explanation, but not of limitation, it is noted that dependent Claim 10 recites "further including a truncated conical collar seated in each receiving hole" and that figure 19, identified by the Examiner as depicting Species B, shows a tapered collar 38. Claims 11 - 14 depend on Claim 10, and therefore may be properly included in the

elected Species B. Claim 43 is the independent claim from which Claim 10 depends. Claims 6 - 9 and 45 also depend from Claim 43, but they do not recite any limitations related to the receiving hole or article retention means and may, therefore, be properly included in Species B.

Therefore, the Applicant elects Claims 6 - 14, 43 and 45 for prosecution on the merits. The election of claims and the remarks regarding the election are being submitted without prejudice. Neither the election of claims nor the remarks regarding the election shall be interpreted as disputing the Examiner's finding that species identified by the Examiner are patentably distinct.

It is submitted that the application is in condition for allowance with the claims from Species B, that is, Claims 6 - 14, 43 and 45. Allowance of the application at an early date is solicited.

The Commissioner is authorized to charge any additional fees which may be required or credit overpayment to deposit account no. 12-0415. In particular, if this response is not timely filed, the Commissioner is authorized to treat this response as including a petition to extend the time period pursuant to 37 CFR 1.136(a) requesting an extension of time of the number of months necessary to make this response timely filed and the petition fee due in connection therewith may be charged to deposit account no. 12-0415.

I hereby certify that this correspondence is being deposited with the United States Post Office with sufficient postage as first class mail in an envelope addressed to: Commissioner of Patents and Trademarks, Washington, D.C., 20231 on
July 13, 2001

(Date of Deposit)

Ross A. Schmitt
(Name of Person Depositing)

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7-13-2001
(Date)

Respectfully submitted,

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